

(d) Federal Departments and agencies will develop contingency plans to utilize these facilities in an emergency in order to minimize response time and costs for utilization or construction of additional nonindustrial facilities.

(e) Utilizing national priorities established in consultation with the National Security Advisor, FEMA will resolve competing requests for nonindustrial facilities usage in national security emergencies. Competing requests that cannot be resolved by FEMA may be resolved through referral to the National Security Advisor.

#### § 336.7 Federal responsibilities.

(a) *Departments and Agencies.* The heads of Federal departments and agencies are responsible for:

(1) Meeting their emergency preparedness facilities requirements by developing programs for the selection and predesignation of nonindustrial facilities;

(2) Assessing essential emergency requirements and plans for the use of alternative nonindustrial facilities to meet critical demands during and following national security emergencies;

(3) Submitting the NIF requests to the FEMA Regional Director in the area where the facility is located. Copies of the applications and instructions may be obtained by writing the appropriate FEMA regional office listed in Appendix A to this part.

(4) Making the necessary arrangements with the owners and operators of the predesignated nonindustrial facility to permit a rapid and effective transition from routine to emergency operations and the effective use of nonindustrial facilities in emergency operations.

(5) Notifying the appropriate FEMA regional office that the necessary arrangements with the owners and operators for the use of nonindustrial facilities have been completed.

(b) *The Federal Emergency Management Agency (FEMA).* The Director of the FEMA or designee, shall:

(1) Convey national security emergency preparedness policies of the National Security Council and provide planning guidance and assistance to the Federal departments and agencies;

(2) Coordinate emergency planning programs and national security emergency preparedness activities of the Federal Government, including the NIF Program;

(3) Provide procedures and guidance for coordinating the predesignation of nonindustrial facilities;

(4) Resolve conflicting NIF requests that cannot be resolved at the regional office level and refer appropriate issues to the National Security Advisor for resolution;

(c) *The FEMA Regional Directors shall:*

(1) Advise and assist State and local governments and, as appropriate, private organizations on the NIF program.

(2) Seek clearance with appropriate State authorities on nonindustrial facilities selected for Federal use in their States.

(3) Coordinate arrangements between Federal departments and agencies; and with State authorities on facility predesignation and allocation.

(4) Consider the multi-use of predesignated facilities based on competing requirements for the same facility, unless single use is necessary or appropriate for the national defense.

(5) Forward to FEMA Headquarters competing NIF requests that cannot be resolved at the regional level.

(6) Provide the appropriate State emergency planning agencies with a copy of a periodic report of Predesignated Nonindustrial Facilities for their particular region.

[55 FR 30459, July 26, 1990, as amended at 55 FR 34262, Aug. 22, 1990]

#### § 336.8 State and local Government emergency planning agencies.

(a) State and local emergency planning agencies have a crucial role to play in achieving a coordinated program to predesignate nonindustrial facilities to meet emergency requirements. Consequently, it is essential that precise plans are developed for the conditions under which each facility is to be used in order to provide efficient and effective means to accommodate civilian and military requirements in accessing nonindustrial facilities in